

REMARKS

The present Amendment responds to the Office Action mailed September 14, 2004 for the application captioned above. In the Office Action, Examiner commented on the Abstract section, rejected claims 1-13, 15-18, and 20-25 under 35 U.S.C. §102(b), and objected to claims 14 and 19. In light of the amendments above and the remarks below, Applicant respectfully requests reconsideration.

In the Office Action the Examiner commented on the Abstract section. Applicant has amended the Abstract based on the Examiner's comments.

Also in the Office Action, the Examiner objected to claims 14 and 19, stating that they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. With respect to the objection to claim 19, independent claim 15 has been amended above to incorporate the subject matter of allowable claim 19 (and intervening claims). Claim 19 has been cancelled herein. Claim 14 has not been amended. Instead, it is addressed below with its associated independent claim.

Finally, in the Office Action, the Examiner rejected claims 1-13, 15-18, and 20-25 under §102(b) as being anticipated by Callaluca (U.S. Patent 5,967,538). In light of the amendments above and the remarks that follow, Applicant requests reconsideration.

With respect to independent claim 15, as noted above, it has been rewritten to incorporate the subject matter of allowable claim 19. Accordingly, Applicant submits that the rejection under §102(b) of claim 15, and its associated dependent claims (claims 16-18), should be withdrawn based on the rewriting of claim 15 to incorporate claim 19.

Independent claims 1 and 20 have been cancelled herein. New independent claims 26 and 33 have been added herein.

With respect to new independent claim 26, Callaluca does not teach a fastener assembly that terminates within a recess in the upper triple claim and below the upper surface of the upper triple clamp. Callaluca provides a solid tree stem 120 interconnecting a top tree subassembly 20 with a bottom tree subassembly 60 (see Callaluca col. 4, ll. 38-40). The interconnection is facilitated with use of a cap 127 that is “threadingly attached to the tree stem upper end 121” (see Callaluca col. 4, ll. 52-53). As shown in Figure 3A of Callaluca, the tree stem 120 and the cap 127 work in combination and as part of an assembly with pivot ball 40 and pivot ball cap 50 to interconnect the tree stem 120 to the top tree subassembly 20. Accordingly, to the extent Callaluca discloses a “fastener assembly,” cap 127 functions as part of that “fastener assembly” that interconnects top tree subassembly 20 with bottom tree subassembly 60. As shown in Figure 4 of Callaluca, when the tree stem 120 and tree subassemblies 20, 60 are fully assembled, the cap 127 (not labeled with reference number 127 in Fig. 4) is shown to protrude from the top tree subassembly 20. Thus, to the extent that Callaluca discloses a “fastener assembly,” such “fastener assembly” protrudes from the top of its top tree subassembly 20 and does not terminate within a recess in the top tree subassembly and below the upper surface of the top tree assembly. Accordingly, Callaluca does not anticipate claim 26 or the claims that depend directly or indirectly from claim 26 (claims 13, 14, and 27-32).

With respect to new independent claim 33, Callaluca does not teach or suggest motorcycle features recited in claim 33. For instance, Callaluca does not disclose a lower triple clamp having a recess in the bottom surface thereof; nor does Callaluca disclose which a fastener

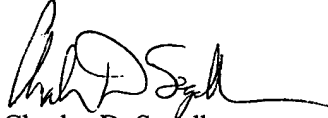
assembly that rotatably couples the upper and lower triple clamps to the frame and that terminates within such recess above the lower surface of the lower triple clamp. For the same reasons, Callaluca does not anticipate the claims 34-37 that depend directly or indirectly from independent claim 33.

Finally, with respect to independent claim 25, Callaluca does not disclose a cap secured to the upper surface of a triple claim that entirely covers a recess in such upper surface. Callaluca does not disclose a “cap” that entirely covers the recess formed in its top tree subassembly. Accordingly, Applicant submits that the rejection of claim 25 under §102(b) based on Callaluca should be withdrawn.

Prior to entry of the Amendment, the application presented four independent claims (claims 1, 15, 20, and 25) and 25 total claims. Upon entry of this Amendment, the application will present four independent claims (claims 15, 25, 26, and 33) and 19 total claims (claims 13-18 and 25-37). Accordingly, Applicant does not believe any additional claims fees are due to enter the present Amendment since Applicant has already paid for at least this many claims prior to the Amendment. If any additional fees are due to enter the present Amendment, the undersigned hereby authorizes such fees to be charged to our deposit account, Deposit Account No. 061910.

If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,



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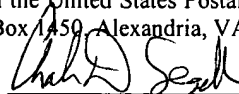
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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

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